

REMARKS

In response to the Final Office Action dated July 13, 2004, rejecting Claims 1-4, Applicant respectfully requests reconsideration of the rejected claims.

The present Application is a continuation application of previously filed Patent Application Serial No. 10/017,092 filed on December 14, 2001 which has been subsequently abandoned in favor of this Application.

Pursuant to the Final Office Action dated July 13, 2004, the Examiner rejects Applicants original claims 1-4 under 35 U.S.C. § 103(a) as being unpatentable over Grosse (No. 5,551,184) in view of Selig (No. 1,556,966). The Examiner relied on these same references in rejecting Applicant's claims in the parent Application, Serial No. 10/017,092. During a telephone interview between Examiner Rowan and Applicant's Attorney, Robert Downey, on July 24, 2003 in connection with the parent Application, Examiner Rowan pointed out differences between Applicant's invention and the prior art references to Grosse, Selig and Bell (Des 128,132). The Examiner indicated that these differences, if claimed, would patentably distinguish Applicant's invention over the prior art. The Examiner suggested filing a continuation application to incorporate these differences in the claims in order to patentably define Applicant's invention over the prior art. Confirmation of the Examiner's findings during this telephone interview on July 24, 2003 are set forth in the attached Interview Summary, PTO Form 413.

Relying on Examiner Rowan's comments during the telephone interview on July 24, 2003, Applicant's Attorney urged the Applicant to file a continuation application which included the differences pointed out by the Examiner in the recited claim language. Accordingly, Applicant filed the above identified Patent Application on August 21, 2003. The original claims of the continuation application include independent claims 1 and 8. These base claims specifically recite the structural features which differ from the prior art, as identified by the Examiner in the telephone interview with Robert Downey on July 24, 2003. Specifically, original independent claims 1 and 8 of the present application recite "said bottom of said receptacle being integrally formed with said base portion to provide a shoulder for stopping continued passage of the butt end through said receptacle..." Further, original independent claims 1 and 8 recite "at least two elongate ribs extending longitudinally from within said base portion and through said neck portion..."

During the telephone interview with Applicant's Attorney on July 24, 2003, Examiner Rowan indicated that the prior art failed to disclose a bottom of the receptacle being of the same integral piece as the enlarged base portion. The Examiner noted that the bottom of the receptacle in Grosse is of a separate piece. Examiner further indicated that the prior art failed to disclose ribs extending longitudinally from the mushroom base portion to almost the end of the neck portion. Relying on these noted differences and the Examiner's comments during the Interview Summary, Applicant's Attorney

urged Applicant to file the subject Continuation Application, Serial No. 10/645,170.

In the Final Office Action dated July 13, 2004, the Examiner responds to Applicant's arguments filed on April 14, 2004. Specifically, the Examiner states that "Grosse and Selig both show an integrally formed one-piece body portion." However, the Examiner fails to note that Grosse discloses a shoulder at the bottom of the receptacle which is a separate piece. This difference was noted by the Examiner in the Interview on July 24, 2003 in connection with the parent application. And, while Selig does show a bottom of the receptacle, it is not necessarily a shoulder. Further, Selig fails to disclose longitudinal ribs. The Examiner states that Selig show longitudinal ribs 1c in Figures 2 and 4. However, in reviewing Figures 2 and 4 of Selig, it is clear that the ribs 1c are not longitudinal but are, instead, transverse. Further, the transverse ribs 1c in Selig do not extend from within the base portion and through the neck portion.

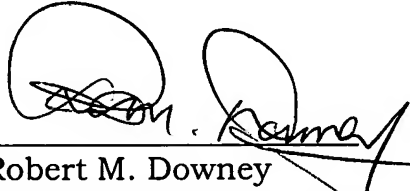
Applicant respectfully requests the Examiner to reconsider the allowability of original claims 1-14 in light of the Examiner's comments and representations set forth in the telephone interview with Applicant's Attorney, Robert Downey on July 24, 2003.

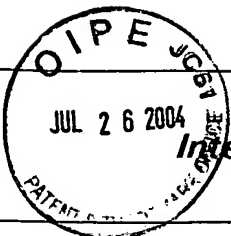
For the reasons advanced above, the Examiner is respectfully requested to reconsider the allowability of Applicant's original claims 1-14 and to pass this case to early favorable allowance.

Respectfully submitted,

ROBERT M. DÓWNEY, P.A.
Attorney for Applicant
601 S. Federal Hwy., Suite 300
Boca Raton, FL 33432
Tel. (561) 417-4771
bocapatents@aol.com


Date: July 19, 2004

By 
Robert M. Downey
Registration No. 33, 684



Interview Summary

Application No. 10/107,092	Applicant(s) DESORCY
Examiner KURT ROWAN	Art Unit 3643



All participants (applicant, applicant's representative, PTO personnel):

- (1) KURT ROWAN (3) _____
(2) ROBERT DOWNEY (4) _____

Date of Interview Jul 24, 2003

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy is given to 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No. If yes, brief description:

Claim(s) discussed: FAX WITH ARGUMENTS FOR CLAIMS 17 AND 22

Identification of prior art discussed:

GROSSE, BELL, SELIG

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

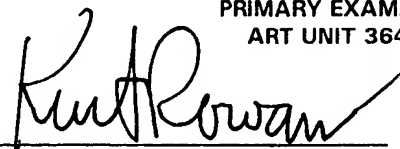
MR. DOWNEY DISCUSSED THE INVENTION AND ARGUED THE DESIGN PATENT TO BELL DID'NT SHOW CLAIM SUBJECT MATTER AS TO THE ATTACHMENT BETWEEN THE MUSHROOM PORTION AND THE ROD HANDLE AND THAT GROSSE DID NOT SHOW THE BASE PORTION HAVING A DIAMETER AT LEAST TWO TIMES GREATER THAN THE NECK PORTION AT THE OPEN END. THE EXAMINER POINTED OUT DIFFERENCES BETWEEN THE PRESENT INVENTION AND THE ART APPLIED; NAMELY THE PORTION 26 OF THE PRESENT INVENTION WHILE SHOWN BY GROSSE IS OF A SEPARATE PIECE SUCH AS IN FIG. 9 AND THE RIBS 40 OF THE PRESENT INVENTION EXTEND LONGITUDINALLY FROM THE MUSHROOM PORTION TO ALMOST THE END OF THE NECK PORTION.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

i) ☐ It is not necessary for applicant to provide a separate record of the substance of the interview (if box is checked).

Unless the paragraph above has been checked, THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached

KURT ROWAN
PRIMARY EXAMINER
ART UNIT 3643



Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required